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KIM KOLUPSKI

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

KIM KOLUPSKI,)	Case No.:
)	
Plaintiff,)	COMPLAINT AND DEMAND FOR
)	JURY TRIAL
)	
CENTRAL CREDIT SERVICES,)	(Unlawful Debt Collection Practices)
INC.; DOES 1 through 10, inclusive,)	
)	Demand Does Not Exceed \$10,000
Defendants.)	

COMPLAINT

INTRODUCTION

1. This is an action for actual and statutory damages brought by Plaintiff, KIM KOLUPSKI, an individual consumer, against Defendant, CENTRAL CREDIT SERVICES, INC., for violations of the law, including, but not limited to, violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (hereinafter “FDCPA”) and the Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code §§ 1788 *et seq.* (hereinafter

1 "RFDCPA"), which prohibit debt collectors from engaging in abusive,
2 deceptive, and unfair practices.

3 **VENUE AND JURISDICTION**

4 2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d) and 28
5 U.S.C. § 1337. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201
6 and 2202. Venue in this District is proper in that the Defendant transacts
7 business here.

8 **PARTIES**

9 3. Plaintiff, Kim Kolupski, is a natural person with a permanent
10 residence in Alta Loma, San Bernardino County, California 91707.

11 4. Upon information and belief, the Defendant, Central Credit Services,
12 Inc., is a corporation engaged in the business of collecting debt in this state
13 and in several other states, with its principal place of business located at
14 9550 Regency Square Blvd., Suite 602, Jacksonville, Duval County, Florida
15 32239. The principal purpose of Defendant is the collection of debts in this
16 state and several other states, and Defendant regularly attempts to collect
17 debts alleged to be due to another.

18 5. Defendant is engaged in the collection of debts from consumers using
19 the mail and telephone. Defendant regularly attempts to collect consumer
20 debts alleged to be due to another. Defendant is a “debt collector” as
21 defined by the FDCPA, 15 U.S.C. § 1692a(6).

22 **FACTS**

23 6. The debt that Defendant is attempting to collect on is an alleged
24 obligation of a consumer to pay money arising out of a transaction in which
25 the money, property, insurance or services which are the subject of the

1 transaction are primarily for personal, family, or household purposes,
2 whether or not such obligation has been reduced to judgment.

3 7. On or about April 19, 2013, Defendant, in connection with the
4 collection of the alleged debt, stated to Plaintiff that due to the new "Obama
5 law" Defendant could file a law suit against Plaintiff in about 2 weeks.

6 8. On or about April 19, 2013, Defendant, in connection with the
7 collection of the alleged debt, stated to Plaintiff that if Plaintiff did not pay
8 four thousand dollars (\$4,000.00) Defendant would file suit against Plaintiff.

9 9. Defendant has no standing to commence legal proceedings on behalf
10 of the creditor.

11 10. Defendant is a debt collection company and as a debt collection
12 company attempting to collect on an alleged debt, Defendant can only refer
13 the matter back to the creditor with a recommendation that the original
14 creditor attempt legal proceedings.

15 11. The representations made to Plaintiff by Defendant regarding legal
16 proceedings were false.

17 12. The natural consequences of Defendant's statements and actions were
18 to unjustly condemn and vilify Plaintiff for her non-payment of the debt she
19 allegedly owed.

20 13. The natural consequences of Defendant's statements and actions were
21 to produce an unpleasant and/or hostile situation between Defendant and
22 Plaintiff.

23 14. The natural consequences of Defendant's statements and actions were
24 to cause Plaintiff mental distress.

1 15. Defendant utilized unfair and unconscionable means to collect on
2 Plaintiff's alleged debt, by lying to and misleading Plaintiff.

3 **FIRST CLAIM FOR RELIEF**

4 16. Plaintiff repeats and realleges and incorporates by reference to the
5 foregoing paragraphs.

6 17. Defendants violated the FDCPA. Defendants' violations include, but
7 are not limited to, the following:

8 (a) Defendant violated §1692d of the FDCPA by engaging in conduct
9 the natural consequences of which is to harass, oppress, or abuse
10 any person in connection with the collection of an alleged debt;
11 and

12 (b) Defendant violated §1692d(2) of the FDCPA by using obscene or
13 profane language or language the natural consequences of which is
14 to abuse the hearer or reader in connection with the collection of an
15 alleged debt; and

16 (c) Defendant violated §1692e of the FDCPA by using a false,
17 deceptive, or misleading representation or means in connection
18 with the collection of the alleged debt; and

19 (d) Defendant violated §1692e(5) of the FDCPA by threatening to take
20 action that the Defendant does not intend to take and/or the
21 Defendant cannot legally take; and

22 (e) Defendant violated §1692e(10) of the FDCPA by using false
23 representation or deceptive means in connection with the collection
24 the alleged debt; and
25

1 (f) Defendant violated §1692f of the FDCPA by using unfair or
2 unconscionable means in connection with the collection of an
3 alleged debt.

4 18. Defendant's acts as described above were done intentionally with the
5 purpose of coercing Plaintiff to pay the alleged debt.

6 19. As a result of the foregoing violations of the FDCPA, Defendant is
7 liable to the Plaintiff, Kim Kolupski, for declaratory judgment that
8 Defendant's conduct violated the FDCPA, actual damages, statutory
9 damages, and costs and attorney fees.

10 **SECOND CLAIM FOR RELIEF**

11 20. Plaintiff repeats and realleges and incorporates by reference to the
12 foregoing paragraphs.

13 21. Defendant violated the RFDCPA. Defendant's violations include, but
14 are not limited to the following:

15 (a) Defendant violated §1788.17 of the RFDCPA by being a debt
16 collector collecting or attempting to collect a consumer debt that is
17 not compliant with the provisions of Sections 1692b to 1692j of
18 the FDCPA, the references to federal codes in this section referring
19 to those codes as they read as of January 1, 2001.

20 22. Defendant's acts as described above were done intentionally with the
21 purpose of coercing Plaintiff to pay the alleged debt.

22 23. As a result of the foregoing violations of the RFDCPA, Defendant is
23 liable to the Plaintiff for actual damages, statutory damages, and costs and
24 attorney fees.

1 **PRAYER FOR RELIEF**

2 **WHEREFORE**, Plaintiff respectfully requests that judgment be entered
3 against Defendant, Central Credit Services, Inc., for the following:

4 A. Declaratory judgment that Defendant's conduct violated the FDCPA and
5 RFDCPA.

6 B. Actual damages.

7 C. Statutory damages.

8 D. Costs and reasonable attorney fees.

9 E. Awarding Plaintiff any pre-judgment and post-judgment interest as may
10 be allowed under the law.

11 F. For such other and further relief as the Court may deem just and proper.

12 **DEMAND FOR JURY TRIAL**

13 PLEASE TAKE NOTICE that Plaintiff, KIM KOLUPSKI, demands trial by
14 jury in this action.

15
16
17 **RESPECTFULLY SUBMITTED,**

18 **DATED: April 2, 2014**

PRICE LAW GROUP APC

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20
21 By: /s/ G. Thomas Martin, III
22 G. Thomas Martin, III
23 Attorney for Plaintiff
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